



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET #SC2002-0001

March 25, 2002

Greg & Jan Heinlein
60 Woodland Rd.
North Hampton, NH 03862

RE: DES Wetlands File #2002-00379 6 Boutellier Ln. Tax Map 13, Lot 89 North Hampton

Dear Mr. and Mrs. Heinlein:

On March 12, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of North Hampton Tax Map 13 as Lot 89 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. A portion of a house foundation had been constructed and associated had been fill placed in a forested wetland without a permit from DES.
2. Per as-built plans of this construction done by Jones & Beach Engineers dated 2/19/02, the area of wetlands impacted is 4,625 square feet.
3. A pump was running with a hose attached placed in the water adjacent to the foundation, in an apparent attempt to dewater the foundation, and was discharging the water.

In response, you are requested to take the following actions:

1. Install/refurbish erosion/ siltation controls around foundation and fill area
2. Per restoration plans received from NH Soil Consultants on 3/25/2002:
 - a. remove foundation and associated fill
 - b. restore impacted wetlands area by establishing a small pond in depression created by foundation cellar hole;
 - c. re-vegetate impact area with wetland species as depicted on plan;
 - d. install a stone wall as depicted on plan to distinguish wetland area from upland area and to prevent any future encroachment into the wetland or restored areas.
3. Execute restoration plan as described in number 2 above no later than **April 25, 2002**. Construction of the new dwelling to be located in the upland on the property may occur concurrently with removal of the foundation and fill, and wetland restoration work.

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RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dori Wiggin, Supervisor – Coastal Region
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive, Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at the Pease Field Office at (603) 433-6183.

Sincerely,



Dori Wiggin
Supervisor – Coastal Region
Wetlands Bureau

CERTIFIED MAIL 7001 0320 0003 3242 0810

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
North Hampton Conservation Commission
North Hampton Board of Selectmen
North Hampton Building Inspector Joe Kenick
David Killoy, USACOE
NH Soil Consultants
Attorney John Bosen